

1 **R277. Education, Administration.**

2 **R277-622. School-based Mental Health Qualified Grant Program.**

3 **R277-622-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) [Utah Constitution Article X, Section 3](#) which vests general control and
6 supervision over public education in the Board;

7 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law; and

9 (c) Section [53F-2-415](#) which requires the Board to makes rules that establish:

10 (i) procedures for submitting a plan for the School-based Mental Health Qualified
11 Grant Program;

12 (ii) a distribution formula the Board will use to distribute funds to an LEA; and

13 (iii) annual reporting requirements for an LEA that receives funds pursuant to the
14 School-based Mental Health Qualified Grant Program.

15 (2) The purpose of this rule is to establish the procedures for an LEA to receive a
16 School-based Mental Health Qualified Grant including:

17 (i) plan submission process, format, and requirements;

18 (ii) funding distribution methods; and

19 (iii) additional requirements including reporting and accountability.

20

21 **R277-622-2. Definitions.**

22 (1) "Plan" means a School-based Mental Health Qualified Grant plan described in
23 Section R277-622-3.

24 (2) "Qualified Personnel" means the same as the term is defined in Subsection
25 [53F-2-415\(1\)](#).

26 (3) "Regional Education Service Agency" or "RESA" means the same as the term
27 is defined in Subsection [53G-4-410\(1\)\(b\)](#).

28 ~~(3)~~4 "Related Services" means mental-health or school nursing services provided
29 by the local mental health authority or a private provider through a contract.

30

31 **R277-622-3. School-based Mental Health Plan.**

32 (1) To qualify for a School-based Mental Health Qualified Grant, an LEA shall

33 submit a plan to the Superintendent.

34 (2) The plan shall include:

35 (a) a three-year projection for the LEA's goals, metrics, and outcomes;

36 (b) requirements outlined in Subsection [53F-2-415\(3\)](#);

37 (c) plan for improving access to students who are underserved or at risk;

38 (d) how qualified personnel will increase access to mental health services;

39 (e) a process for utilization of qualified personnel in participating with an LEA's

40 care team as outlined in [R277-400](#);

41 (f) the source of the LEA's matching funds; and

42 (g) a timeline and process for stakeholder training in trauma-informed practices.

43 (3) Except as provided in Subsection (4), an LEA shall submit the LEA's plan no
44 later than May 31 for a funding distribution to be made for the upcoming school year.

45 (4) An LEA shall submit a plan no later than June 7 for a funding distribution to be
46 made in Fiscal Year 20.

47 (5) An LEA's approved plan is valid for three years and may be required to be
48 reapproved after three years of implementation.

49 (6) An LEA may submit a revised plan for approval by the board, in a manner
50 described by the Superintendent, if the LEA identifies deficiencies with the LEA's ability to
51 implement the LEA's plan including a change in available funding.

52

53 **R277-622-4. Board Approval or Denial of LEA Plan.**

54 (1) The Board shall approve or deny each LEA plan submitted by the
55 Superintendent.

56 (2) If the Board denies an LEA's plan, the LEA may amend and resubmit the
57 LEA's plan to the Superintendent until the Board approves the LEA plan.

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59 **R277-622-5. School-Based Mental Health Grant Distribution.**

60 (1) An LEA with an approved plan pursuant to subsection R277-622-4 shall
61 receive a School-based Mental Health Grant distribution.

62 (2) The funding amount distributed to an approved LEA shall be the sum of:

63 (a) \$25,000; and

64 (b) a per student allocation based on the number of students in an LEA divided by

65 the total available grant appropriation less the aggregate amount of appropriation allocated
66 as described in Subsection (2)(a)[.];

67 (c) if any funds remain after the total amount from subsections (a) and (b) has been
68 determined, a RESA shall:

69 (i) receive \$50,000 per member LEA; or

70 (ii) receive a proportionate amount per member LEA if the total remaining funds
71 totals less than \$50,000 multiplied by the total number of LEA members in all RESAs.

72 (3) The number of students used in Subsection (2)(b) shall be:

73 (i) based on the October 1 headcount in the prior year; or

74 (ii) for a new LEA, based on the new LEA's projected October 1 headcount.

75 (4) An LEA may only receive an initial distribution totaling 25% of the allocation
76 upon plan approval.

77 (5) An LEA may receive a second distribution totaling 75% of the allocation on a
78 reimbursement basis upon demonstration to the Superintendent of:

79 (a) contracting of services for qualified personnel; or

80 (b) hiring qualified personnel.

81 (6) After the distribution described in subsections (2)(a) and (b), and by October 1
82 of each year, the Superintendent shall distribute any undistributed funds as an additional
83 allocation to an LEA.

84 (7) An LEA may qualify for the additional allocation described in Subsection (6) if
85 the LEA demonstrates an intent to collaborate with the Local Mental Health Authority of the
86 county the LEA is located.

87 (8) The additional allocation described in subsection (6) shall be:

88 (a) the aggregate total of undistributed funds;

89 (b) subject to all matching fund requirements described in section R277-622-3;

90 (c) distributed to an eligible LEA in an amount equal to the LEA's portion of the
91 student headcount of all eligible and participating LEAs; and

92 (d) used for collaboration with the Local Mental Health Authority of the County the
93 LEA is located.

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95 **R277-622-6. Matching Funds.**

96 (1) To qualify for a School-based Mental Health Qualified Grant, an LEA, that

97 submits a plan prior to April 1, 2020, shall provide matching funds as required by
98 Subsection [53F-2-415\(4\)\(b\)](#).

99 (2) To qualify as matching funds the LEA's funds may come from any of the
100 following sources or procedures:

101 (a) prioritizing of existing unrestricted state or local funds including:

102 (i) an unrestricted donation; or

103 (ii) new funds available in the next fiscal year;

104 (b) funds generated from property tax;

105 (c) charter school local replacement funds;

106 (d) unrestricted MSP Basic program funds;

107 (e) money distributed to the LEA under Section [53G-7-1303](#); or

108 ~~(e)~~(f) another source of unrestricted state funds or local funds as approved by the
109 Superintendent.

110 (3) Funds may not qualify as a match if:

111 (a) the funds are from restricted state funds including:

112 (i) funds granted to an LEA for a specific program created in statute or rule;

113 (ii) funds that have already been used as a match in a different state grant
114 program; or

115 (iii) funds from a federal source; or

116 (b) the funds are described in Subsection [53F-2-415\(5\)](#).

117 (4) An LEA shall demonstrate that all matching funds fit within the scope of work
118 for school-based mental health and general health services as outlined in an LEA's plan.

119 (5) An LEA shall report revenues and expenditures of program funds by location
120 code according to the Board approved chart of accounts.

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122 **R277-622-7. Allowable Uses of Funds.**

123 (1) An LEA that receives a distribution pursuant to Section R277-622-6 may use
124 the funds only for the following:

125 (a) salary and benefits for the hiring of qualified personnel; or

126 (b) procuring a contract for related services;

127 (2) If an LEA fails to hire qualified personnel by January 31 the allocated funds
128 shall be returned to the Board.

129 (3) All unexpended funds distributed to an LEA shall be returned to the Board at
130 the end of the LEA's school year and redistributed in the following year's distribution.

131 (4) An LEA shall use the LEA's matching funds and allocation within the fiscal year
132 the funds are distributed.

133 (5) An LEA that has remaining balances at year end shall report the remaining
134 balances in the LEA's annual program report described in [R277-484](#).

135 (6) An LEA with remaining balances shall receive a reduction totaling the
136 remaining balances in the LEA's award for the following fiscal year.

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138 **R277-622-8. Annual Reporting and Accountability.**

139 (1) An LEA with an approved plan and funding amount shall provide the
140 Superintendent with an annual report no later than October 1 of each year.

141 (2) The annual report shall include:

142 (a) a total baseline count of qualified personnel in an LEA before receiving the
143 initial funding allocation;

144 (b) the number of qualified personnel hired above the baseline count using the
145 funding allocation;

146 (c) the progress made toward achieving goals and outcomes outlined in the LEA's
147 plan; and

148 (d) other information requested by the Superintendent.

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150 **KEY: mental health, programs, reporting**

151 **Date of Enactment or Last Substantive Amendment:**

152 **Notice of Continuation:**

153 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#);**

154 **[53E-3-401](#);[53E-4-302\(1\)\(a\)](#)**